MINUTES TOWN OF GROTON ZONING COMMISSION

JANUARY 4, 2017 – 6:30 P.M. TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Hudecek, Marquardt, Sayer, Smith, Sutherland

Alternate members present: Archer, Edgerton

Absent:

Staff present: Glemboski, Jones, Reiner, Gilot

Chairperson Sutherland called the meeting to order at 6:30 p.m.

II. PUBLIC COMMUNICATIONS

Thomas Potter, 154 Walker Hill Road, read a letter for the record dated January 4th, 2017 regarding "the failure by the Designated Zoning Official to Provide a Timely Response and decision to a complaint of non-compliance with the Zoning Regulations". He submitted a copy of the letter, with 35 attachments, to the Commissioners.

The Chair asked staff for guidance on the next steps for Mr. Potter.

Staff said Kevin Quinn, the Zoning Official, has been working with the Town Attorney and the subject property owner's attorneys which Mr. Potter referenced in his letter. The Zoning Official is still researching issues raised by Mr. Potter. Staff advised the Commission that zoning enforcement doesn't fall under the purview of the Zoning Commission. The Chairperson asked if staff would like this put on the agenda; staff said this should probably be brought to the Town Manager.

Mr. Potter said that Mr. Quinn has failed to act on his request for 120 days. He said it is his belief that it is the Zoning Commission's duty to enforce the zoning regulations if the Zoning Official does not perform his duties. The Chairperson said she would follow the advice of Town staff. Mr. Quinn doesn't report to the Zoning Commission and the Commission has no authority in personnel matters, although Mr. Potter is always free to come to the Zoning Commission.

APPROVAL OF MINUTES

1. December 7, 2016

MOTION: To approve the minutes of the December 7, 2016 meeting as amended.

Motion made by Sayer, seconded by Marquardt. Motion passed unanimously.

III. OLD BUSINESS

- 1. Zoning Regulations Update
 - a. WRPD Regulation Amendment Discussion

Staff provided some background on the status of the WRPD section of the regulations, and told the Commission that the Town has so far spent twice their budget for this section of the regulations.

Staff said there were several maps on display in the room, most of which had been distributed to the commission throughout this process.

Nate Kelly, Horsley Witten, reviewed a brief timeline of the WRPD process and said he is looking for direction from the Commission.

Mr. Kelly explained that the WRPD is in place today, and the goal of this project was to clarify the standards and procedures using best practices, and weave those into the existing standards. As part of this project, the commission reviewed and made decisions on uses, activities, and the storage and disposal of hazardous materials; underground storage tanks, standards and conditions or limits for particular activities; and the expansion of non-conforming uses. They also discussed E & S controls, stormwater and discharge, maximum amount of impervious, selection of best management practices, and reviewed new development versus redevelopment.

Mr. Kelly reviewed the buffers and non-disturbance areas. The commission initially considered a tiered version, but after additional review it made more sense to draw a line and stay with the existing 50 ft. non-disturbance zone with relief provisions. The proposed standards require a 100 ft. non-disturbance area for stormwater discharge, septic system components, and agriculture or animal-related uses.

The Chair asked for comments from the public and asked that the comments be focused on specific issues.

Zell Steever, 81 Main Street, addressed the commission about the buffer zones. He presented several maps. Some showed an overlay of Groton Utilities, town properties that are exempt from possible development, and other restrictive land uses. He showed maps depicting various areas of town with different contours and non-disturbance area distances. He said that in the case of some properties, the larger buffer only reduced developable land by five to ten percent. He discussed the correlation between development and the quality of water.

Sutherland said she thought Horsley Witten's map with the 100 ft. buffer was misleading because the protected properties were not pulled out.

Smith said he found a difference of about 85 acres town-wide between the 50 ft. and 100 ft. zones. Mr. Kelly said he would review the issue.

Mr. Steever discussed town agricultural land, which permitted more activities as of right. He stated that he supported a more conservative, larger, 100 ft. buffer around wetlands and watercourses, along with the standards in the WRPD, which he said would dramatically improve the water supply.

Sydney Van Zandt, 3 Front Street, read GOSA's statement for the record, which recommended a 100 – 200 ft. non-disturbance area, based on reports cited in Mr. Steever's presentation. Ms. Van Zandt noted the Inland Wetlands Agency could

make adjustments if necessary. With regard to Section 6.12-8.A, total impervious of 70%, GOSA recommended 30% as the default maximum.

Jim Furlong, 57 Fishtown Lane, distributed a handout to the Commission. He said he would prefer wider buffers and less impervious. He proposed a modification to page 21 of the proposed draft dated 11/30 (Section 6.12-8). In the final sentence "Inland Wetlands and Watercourses" he would like the commission to add to the end, "...and for addressing..." distances for regulated activities examined by the Inland Wetland Agency. This would ensure that any applicant who looks at the zoning regulations would know to also look at the inland wetland regulations.

Mario DeLoreto, L & L Groton LLC, addressed the commission. He is the owner of 35 acres at Routes 184 and 117, which was acquired in 2005. Mr. De Loreto said that he has been developing properties in the area for 20 years. He spoke about a project he did several years ago in Stonington. Stonington was unable to develop the Route 2 corridor in the Pawcatuck watershed area due to the impervious limitations. In 2002, newer standards were adopted, and there was more development. He applauded the Groton Open Space Association for their advocacy. He is now preparing plans for a dense mixed use development on the 35 acre site at Routes 184 and 117, but an increase in impervious would destroy the project. The town cannot simply apply blanket standards; each property has very unique features. He referenced the Storrs Town Center project in Mansfield, where the town didn't prevent the project, but required best management practices. He stated that putting a 30 percent limitation on impervious surface across the board limits sound development as well as economic development.

The commission took a short recess at 8:32 p.m. and the meeting reconvened at 8:38 pm.

The Chair asked if anyone had questions for the consultants or staff. Smith asked about 70% impervious, and what Best Management Practices (BMP's) can or can't do. Mr. Kelly said it is possible to achieve water quality standards regardless of the impervious amount.

Mr. Kelly discussed having different impervious standards for residential and non-residential. Staff noted that it would be impossible to regulate and monitor residential properties. The commission concurred.

The standard in 6.12-7, Stormwater Management, would be done through BMP's regardless of what the percentage of impervious is. Everyone must comply with that section except for exemptions (such as one and two family homes). If more impervious was allowed, the development ability would be increased, but you could still meet the requirements with BMP's. Natural cover of 20% is required already. Water quality standards deal with total suspended solids and nutrients within the water.

Mr. Steever discussed the surface runoff from impervious and infiltration. Mr. Kelly discussed maximizing overland flow as much as possible for filtering, but overland flow requires pretreatment for certain uses.

Mr. Furlong wanted to know if predevelopment water quality and rate would be compared to post-development and who would do this, and if it was effective. Mr.

Kelly said no BMP's could be 100 percent. Matching the flow rate to the volume leaving the site would be almost impossible to measure.

The commission concurred to leave impervious at 70%.

The commission continued discussion of buffers. Hudecek said the 100 ft. buffer was actually less imposing than he thought. He agreed to the Inland Wetlands language proposed by Mr. Furlong. Staff said they would have wetland approval in place before the site plan stage. Also, they may be imposing a burden on existing businesses. Language could be added that if the boundary is requested to be lessened, the applicant could be required to demonstrate to staff that sufficient safeguards have been met. The commission could put 100 feet in the draft, go to a public hearing, get more diverse input, and then take it into consideration at that time. The commission felt they need to move this forward to public hearing.

Staff said they would like to look at Mr. Furlong's note and maybe revise it and present it to the commission at the next meeting. Staff requested any and all wordsmithing be sent to them as soon as possible. Staff said the language may not need to refer to Inland Wetlands Agency because the applicant should have already been to the Inland Wetlands Agency. It must also be legally clear that the Zoning Commission is not enforcing the wetland regulations. Hudecek said he doesn't want to cite words from the regulations but would rather make a reference to the document itself and not a specific section.

Smith asked about page 10, Section 6.12-5B, single family home exemptions. Staff said it would be difficult to capture those properties because there is no site plan review, it would be onerous for a homeowner, and a larger staff would be required to oversee and enforce. Smith said there are references to "pretreatment". He thought there should be a definition for pretreatment. Page 20, Section 6.12-8.B, Existing Development can't go below 20% - may need some clarification. The commission would like samples of "best management practices".

Mr. Steever said he is concerned with the total exemption for one and two family houses. Staff said a wetland permit provides a level of protection.

IV. NEW BUSINESS

1. Report of Commission

Sayer said she had a concern about the Commission's comments to the first speaker, Mr. Potter. She didn't feel the Zoning Commission is the proper place for Mr. Potter to express his concerns. The Chairperson said anyone has the right to come in and state any opinion.

- 2. Receipt of New Applications None
- 3. Election of Officers

MOTION: To nominate Susan Sutherland as Chairperson.

Motion made by Smith, seconded by Sayer. Motion passed unanimously.

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MOTION: To nominate Steve Hudecek as Vice Chair.

Motion made by Smith, seconded by Sayer. Motion passed unanimously.

MOTION: To nominate Susan Marquardt as Secretary.

Motion made by Smith, seconded by Sayer. Motion passed unanimously.

V. REPORT OF CHAIRPERSON - None

Hudecek said he would be out of town January 23^{rd} to the 25^{th} . Smith said he would be away January 10^{th} to the 18^{th} .

VI. REPORT OF STAFF

Staff distributed a flyer for an I-Forums conference titled "Zoning: How Local Decisions shape our Communities' Futures" to be held on Monday, January 30^{th} at the Lyceum in Hartford.

VII. ADJOURNMENT

Motion to adjourn at 9:22 p.m. was made by Hudecek, seconded by Smith, so voted unanimously.

Susan Marquardt, Secretary Zoning Commission

Prepared by Debra Gilot Office Assistant III